

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEXINGTON INSURANCE CO.,
Plaintiff,

v.

SANDRA SWANSON,
Defendant.

No. C05-1614MJP

ORDER CLARIFYING MAY 23,
2007 ORDER

This matter comes before the Court on Plaintiff Lexington's motion for reconsideration or clarification of the Court's May 23, 2007, Order granting in part and denying in part Defendant Swanson's motion for summary judgment. (Dkt. No. 180.) The Court may clarify its previous order without calling for a response from Defendant Swanson. The Court clarifies its May 23 Order as follows:

In its answer to Defendant Swanson's counterclaims, Lexington alleged nineteen affirmative defenses. In the May 23 Order, the Court dismissed several of Lexington's affirmative defenses, including nine contract defenses to coverage (Affirmative Defenses Nos. 1-3, 9-13, 15). The Court ruled that Lexington "may not rely on those defenses as affirmative defenses or as legal defenses to Swanson's bad faith, negligence, or other counterclaims." (Order at 12, 13.) In doing so, the Court did not intend to prevent Lexington from raising defenses to coverage for Haelen's cross-claim against ICC. As the Court explained when it denied Lexington's requested Rule 56(f) continuance, "none of the affirmative defenses that Swanson is seeking to dismiss from Lexington's answer relate to the Haelen cross-claim. . . ." (Order at 6.)

1 Accordingly, it is ORDERED that this Court's Order of May 23, 2007, shall be amended to
2 reflect that Lexington is not precluded from raising defenses to coverage for Haelen's claims against
3 ICC.

4 As to all other issues, the motion for reconsideration is DENIED.

5 The Clerk is directed to send copies of this order to all counsel of record.

6 Dated: June 12th, 2007.

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9 Marsha J. Pechman
10 United States District Judge
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